

1812  
Patent Docket P0871P1C1

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  Dan L. Eaton et al.  Serial No.: 08/348,658  Filed: 2 December 1994  For: MPL LIGAND	Group Art Unit: 1812  Examiner: L. Spector  <div style="border: 1px solid black; padding: 5px;"><p style="text-align: center; margin: 0;">CERTIFICATE OF MAILING</p><p style="margin: 0;">I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231 on</p><p style="text-align: center; margin: 0;">December 12, 1995</p><p style="text-align: center; margin: 0;"><i>Elisa R. Hamby</i></p><p style="text-align: center; margin: 0;">Elisa R. Hamby</p></div>
--	---

#10  
893  
2/18/96  
2-5  
041

INFORMATION DISCLOSURE STATEMENT

RECEIVED

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

1 JAN 5 1996  
GROUP 180L

Sir:

Applicants submit herewith patents, publications or other information (attached hereto and listed on the attached Form PTO-1449) of which they are aware, which they believe may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

- (a) ☐ accompanies the new patent application submitted herewith. 37 CFR §1.97(a).
- (b) ☐ is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.
- (c) ☐ as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.
- (d) ☒ is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final rejection or a notice of allowance, whichever occurs first, and is accompanied by either the fee (\$220) set forth in 37 CFR §1.17(p) or a certification as specified in 37 CFR §1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$220.00 to cover the cost of this information.
- 290 KH 07-0630 12/28/95 08348658  
29095 126 220.00CH

Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**

- (e) ☐ is filed after the mailing date of either a final rejection or a notice of allowance, whichever occurred first, and is accompanied by the fee (\$130) set forth in 37 CFR §1.17(i)(1) and a certification as specified in 37 CFR §1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the information disclosure statement.** The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$130.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. **A duplicate of this sheet is enclosed.**

[If either of boxes (d) or (e) is checked above, the following "certification" under 37 CFR §1.97(e) may need to be completed.] The undersigned certifies that:

- ☐ Each item of information contained in the information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this information disclosure statement.

A list of the patent(s) or publication(s) is set forth on the attached Form PTO-1449 (Modified).

A copy of the items on PTO-1449 is supplied herewith:

☒ each ☐ none ☐ only those listed below:

Those patent(s) or publication(s) which are marked with an asterisk (\*) in the attached PTO-1449 form are not supplied because they were previously cited by or submitted to the Office in a prior application Serial No. 08/185,607, filed 21 January 1994 and relied upon in this application for an earlier filing date under 35 USC §120.

A concise explanation of relevance of the items listed on PTO-1449 is:

- ☐ not given
- ☐ given for each listed item
- ☐ given for only non-English language listed item(s) [Required]

- [X] in the form of English language copies of Search Reports from foreign patent offices, issued in counterpart applications, which refer to the relevant portions of the references.  
(Copies of the Search Reports enclosed).

The Examiner is reminded that a "concise explanation of the relevance" of the submitted prior art "may be nothing more than identification of the particular figure or paragraph of the patent or publication which has some relation to the claimed invention," MPEP §609.

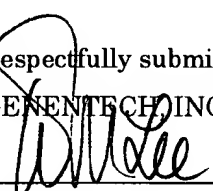
While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

A copy of a document pursuant to 37 C.F.R. § 10.9(b) is attached as proof of the authorization of the undersigned to prosecute the above-mentioned application. The original of this document is on file in the Office of Enrollment and Discipline.

Respectfully submitted,  
GENENTECH INC.

Date: December 12, 1995

By:   
Wendy M. Lee  
for Daryl B. Winter (Reg. No. 32,637)

460 Pt. San Bruno Blvd.  
So. San Francisco, CA 94080-4990  
Phone: (415) 225-1249  
Fax: (415) 952-9881



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

### LIMITED RECOGNITION UNDER 37 CFR § 10.9(b)

Wendy M. Lee is hereby given limited recognition under 37 CFR § 10.9(b) as an employee of Genentech, Inc., to prepare and prosecute patent applications and to represent patent applicants wherein Genentech, Inc., is the assignee of record of the entire interest. This limited recognition shall expire on the date appearing below, or when whichever of the following events first occurs prior to July 15, 1996: (i) Wendy M. Lee ceases to lawfully reside in the United States, (ii) Wendy M. Lee's employment with Genentech, Inc., ceases or is terminated, or (iii) Wendy M. Lee ceases to remain or reside in the United States on a H-1B visa.

This document constitutes proof of such recognition. The original of this document is on file in the Office of Enrollment and Discipline of the U.S. Patent and Trademark Office.

Expires: July 15, 1996

---

Karen L. Bovard, Director  
Office of Enrollment and Discipline